

EXHIBIT F

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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UNITED STATES OF AMERICA * CRIMINAL NO. 07-263
*
Versus * Houston, Texas
*
WARREN TODD HOEFFNER, * 9:30 a.m.
RACHEL ROSSOW, and *
JOHN PRESTAGE * October 16, 2008

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MOTION HEARING

(Morning Session)

BEFORE THE HONORABLE DAVID HITTNER
UNITED STATES DISTRICT JUDGE

* * * * *

Proceedings recorded by computer stenography
Produced by computer-aided transcription

7/26 MH PTX #000105
Cause No. 2010-15489
J. Sanchez, et al v. Hartford Ins., et al

1 defense that if they wanted access to the ECLIPS system, she
2 would make it available to them. All they had to do was pick up
3 the phone and call her, and it would have been made available.

4 She also said, Your Honor, that with respect to
02:51:36 5 the defense counsel recommendation for Specialty Sand that they
6 could -- did not find that recommendation; but critically and
7 highly importantly, she says that The Hartford would waive their
8 attorney-client privilege to give them access to speak to any of
9 the defense counsel involved -- that represented the insured if
02:52:04 10 they wanted to speak to them.

11 THE COURT: Let me ask you this: Did they take up the
12 offer --

13 MR. OLLISON: No, sir.

14 THE COURT: -- to go up and talk to or find -- or get
02:52:12 15 the ECLIPS file?

16 MR. OLLISON: No, sir, they did not

17 THE COURT: Have they been up there at all to The
18 Hartford headquarters, any of them, or their investigators, as
19 best you understand?

02:52:22 20 MR. OLLISON: As best I understand, neither has been
21 there.

22 THE COURT: So you're saying that Hartford is stating,
23 basically, it's got an open file.

24 MR. OLLISON: Yes, sir. And that's very clear in
02:52:33 25 their letter. And in their response they said it's buried in

1 her letter. It's not buried in their letter at all. So Your
2 Honor, I think -- you know, we take them as we get them; but I
3 think that clearly gives the Court some indication of the bona
4 fides of The Hartford in this case.

02:52:52 5 And I also want to represent to the Court, as
6 Mr. Braddock said, when we talked to Neal Wolin, who's the chief
7 operating officer of that company, he told those senior
8 management officials, pursuant to your directive, "Leave no
9 stone unturned."

02:53:09 10 And once he put his foot down on that, these
11 documents came; and Your Honor, the Government in its response,
12 when we indicate that we got documents for the very first time,
13 that is contrary to what Ms. Sacksteder says; but we stand by
14 that.

02:53:29 15 THE COURT: Have you been up or your staff or
16 investigators or the case agents been up to Hartford?

17 MR. OLLISON: Yes, Your Honor. Mr. Braddock and I
18 have made two trips. Our investigators have made --

19 How many?

02:53:43 20 AGENT TROY CALDRON: More than that.

21 AGENT TIM CLARKE: Three or four.

22 MR. OLLISON: Made three or four trips up there.

23 THE COURT: So basically, you're stating that in that
24 letter it's directed to the defense they have an open file?

02:53:55 25 MR. OLLISON: Well --

1 THE COURT: Basically?

2 MR. OLLISON: Yes, to the extent of what I represented
3 to the Court of what she said in that letter.

4 THE COURT: Okay, thank you.

02:53:59 5 Mr. Braddock, go right ahead.

6 MR. BRADDOCK: Yes, Your Honor. I mean, I'm not
7 prepared to go line by line as to each one of the items that
8 Mr. Flood talked about.

9 THE COURT: Well, you made a lot of notes there on the
02:54:11 10 yellow pages. So when you're done visiting with me, you know,
11 as far as the concerns you have, you might go down there --

12 MR. BRADDOCK: Yes.

13 THE COURT: -- and touch on the points. And then
14 again, I'm not saying you need to do it. I'm just saying it's
02:54:24 15 your opportunity.

16 MR. BRADDOCK: Yes, Your Honor. Well, one of the
17 issues that was raised is that there's got to be e-mails that
18 were purged.

19 THE COURT: There's got to be.

02:54:30 20 MR. BRADDOCK: Yes. And we turned over -- we turned
21 over the electronic e-mails that we received from The Hartford;
22 and most of those were in '07, in August of '07; and then, the
23 other batch was in May of '08. And those are what were on those
24 e-mail databases that we got.

02:54:50 25 Now, we understand that The Hartford has found